

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re United States Patent Application of:****Applicant:**        **HESTER, Rex R.****Application No.:**    **09/411,663****Date Filed:**        **October 4, 1999****Title:**              **ENABLING QUALITY VOICE  
COMMUNICATIONS FROM  
WEB PAGE CALL CONTROL****Docket No.:**        **4253-101****Examiner:**         **Thien D. TRAN****Art Unit:**          **2665****Conf. No.:**         **8627****23448****FACSIMILE TRANSMISSION CERTIFICATE****Fax No.: (703) 746-4300**

I hereby certify that this document is being filed in the United States Patent and Trademark Office, via facsimile transmission to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, Attention: Laticia Tyson, Legal Instruments Examiner (LIE), on December 9, 2004, to United States Patent and Trademark Office facsimile transmission number: (703) 746-4300. PAGES FAXED: 42 PAGES

  
\_\_\_\_\_  
**Steven J. Hultquist****December 9, 2004****Date****REQUEST FOR WITHDRAWAL OF DECEMBER 6, 2004 NOTICE OF NON-COMPLIANT  
AMENDMENT (37 CFR 1.121) IN U.S. PATENT APPLICATION NO. 09/411,663**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450  
Attention: Laticia Tyson, Legal Instruments Examiner (LIE)

Sir:

This responds to the December 6, 2004 Notice of Non-Compliant Amendment (37 CFR 1.121) in the above-identified application, and is consistent with the teleconference on December 9, 2004 between the undersigned attorney and Ms. Laticia Tyson, Legal Instruments Examiner (LIE), which revealed that such December 6, 2004 Notice was issued by the Patent and Trademark Office IN ERROR.

A review of the USPTO file record with Ms. Tyson revealed that the reason for the Notice, not indicated on such document, was that the Amendment filed August 16, 2004 allegedly was missing pages 9-20. **THIS, HOWEVER, IS NOT CORRECT, SINCE THE AUGUST 16, 2004 AMENDMENT CONTAINED 38 PAGES, WAS FILED BY FAX TO USPTO CENTRAL FAX NUMBER (703) 872-9306, AND WAS CONFIRMED BY AUTO-REPLY FAX FROM THE USPTO AS HAVING BEEN RECEIVED IN ITS ENTIRETY OF 38 PAGES.**

Accordingly, consistent with the discussion with Ms. Tyson, enclosed herewith are copies of:

- (1) the August 16, 2004 Amendment response, in its entirety (with the exception of a 38<sup>th</sup> page, which was a Credit Card Authorization Form, and is not being resubmitted herewith, in order to avoid any duplicative charge that would compound the USPTO errors already made) (37 pages);
- (2) the August 16, 2004 Auto-Reply Facsimile Transmission issued by the USPTO to the undersigned attorney by fax, evidencing receipt by the PTO of the entire 38 pages of the response, including the 37 page Amendment and the single page Credit Card Authorization Form, on "8/16/04 2:11:51 PM [Eastern Daylight Time]" (1 page); and
- (3) the August 16, 2004 Transmission Report from the undersigned attorney's fax machine used to transmit the August 16, 2004 Amendment response, evidencing that 38/38 pages were transmitted, beginning at 2:10 PM ("Total Pages Confirmed: 38") (1 page).

It therefore is amply evident that the August 16, 2004 Amendment response, including pages 9-20 thereof, were transmitted and were received in the USPTO, which subsequently lost or failed to properly scan all pages of claims included in such Amendment. **The USPTO is correspondingly respectfully requested to (i) withdraw and vacate the December 9, 2004 Notice of Non-Compliant Amendment (37 CFR 1.121), (ii) enter the August 16, 2004 Amendment response into the record of the application, in its entirety, and (iii) confirm such rescission of the December 9, 2004 Notice of Non-Compliant Amendment (37 CFR 1.121) and entry of the August 16, 2004 Amendment response into the record of the application, so that it may be considered by Examiner Tran on the merits at an early date.**

Respectfully submitted,



---

Steven J. Hultquist  
Reg. No. 28,021  
Attorney for Applicant

**INTELLECTUAL PROPERTY/  
TECHNOLOGY LAW**  
P.O. Box 14329  
Research Triangle Park, NC 27709  
Telephone: (919) 419-9350  
Fax: (919) 419-9354  
Attorney Ref: 4253-101

O:Auto-reply fax to 9194199354 COMPANY:

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 9194199354

Fax Information

Date Received:

8/16/2004 2:11:51 PM [Eastern Daylight Time]

Total Pages:

38 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page

=====&gt;

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:

Docket No.: 4253-101

Applicant: HESTER, Rex N.

Examiner: Telen D. TRAN

Application No.: 09/411,663

Art Unit: 2665

Date Filed: October 9, 1999

Conf. No.: 8627

Title: ENABLING QUALITY VOICE  
COMMUNICATIONS FROM  
WEB PAGE CALL CONTROL

23448

## FACSIMILE TRANSMISSION CERTIFICATE

Fax No.: (703) 873-3366

I hereby certify that this document is being filed in the United States Patent and Trademark Office, via facsimile transmission to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 16, 2004, to United States Patent and Trademark Office facsimile transmission number: (703) 873-3366. VACEN MARKED: 38 PAGES

*[Signature]*  
Candace White

August 16, 2004

Date

AMENDMENT RESPONDING TO JUNE 16, 2004 OFFICE ACTION IN U.S. PATENT  
APPLICATION NO. 09/411,663

Mail Stop AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This responds to the June 16, 2004 Office Action in the above-identified application.

Please amend the specification as set out in Section I (Amendment of the Specification) hereof.

Please amend the claims as set out in Section II (Amendment of the Claims) hereof.

## Transmission Report

Date/Time  
Local ID  
Local Name  
Company Logo

8-16-04; 2:24PM  
9194199354  
IPTL

This document was confirmed.  
(reduced sample and details below)  
Document Size Letter-S

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:	Docket No.: 4153-101
Applicant: HESTER, Rex R.	Examiner: Thien D. TRAN
Application No.: 09/411,663	Art Unit: 2665
Date Filed: October 4, 1999	Conf. No.: 8837
Title: ENABLING QUALITY VOICE COMMUNICATIONS FROM WEB PAGE CALL CONTROL	

23448

## FACSIMILE TRANSMISSION CERTIFICATE

Fax No: (703) 872-8306

I hereby certify that this document is being filed in the United States Patent and Trademark Office, via facsimile transmission to Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on August 16, 2004, in United States Patent and Trademark Office Docket # 4153-101, 38 PAGES.

August 16, 2004

Date

## AMENDMENT RESPONDING TO JUNE 16, 2004 OFFICE ACTION IN U.S. PATENT APPLICATION NO. 09/411,663

Mail Stop AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This responds to the June 16, 2004 Office Action in the above-identified application.

Please amend the specification as set out in Section I (Amendment of the Specification) hereof.

Please amend the claims as set out in Section II (Amendment of the Claims) hereof.

Total Pages Scanned : 38 Total Pages Confirmed : 38

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	923	17038729306	8-16-04; 2:10PM	14'03"	38/ 38	20 40		EQM:00 ATT:00 0000-000000 14.4

## NOTES :

EC: Error Correct  
BC: Broadcast Send  
CP: Completed  
HS: Host Scan  
HF: Host Fax

RE: Resend  
MP: Multi-Poll  
RM: Receive to Memory  
HP: Host Print  
HR: Host Receive

PD: Polled by Remote  
PG: Polling a Remote  
DR: Document Removed  
FO: Forced Output  
FM: Forward Mailbox Doc.

MB: Receive to Mailbox  
PI: Power Interruption  
TM: Terminated by user  
WT: Waiting Transfer  
WS: Waiting Send